

Access to medicines in the patent system

Abstract

This rigorous thesis deals with the issue of access to medicines in the patent system. In the introduction to the rigorous thesis I set several goals, which I focused on in the thesis. The first goal is to assess whether access to medicines is guaranteed at the international level, alternatively through which rights it can be deduced. Another aim is to point out possible shortcomings of the patent system in the pharmaceutical industry and to assess the suitability of alternative systems. In the final chapter I deal with the access to medicines during the current pandemic within the European Union and in developing and least-developed countries.

This rigorous thesis is divided into six chapters except for the introduction and conclusion. The individual chapters logically follow each other, with the first chapter dealing with the very concept of patent and its historical development. In the second chapter, I deal with one of the goals of this rigorous thesis, whether access to medicines is guaranteed by some of the internationally recognized agreements. The third chapter is the core of the rigorous thesis, which is why it is the most comprehensive one. This chapter provides a detailed analysis of the TRIPS Agreement with particular emphasis on the individual parts and provisions relating to the patent. The fourth chapter emphasizes the period after the adoption of the TRIPS Agreement, paying attention mainly to the Doha Declaration and the so-called TRIPS-plus provisions. In the fifth chapter, I focus on the patent system in the pharmaceutical industry primarily on shortcomings. At the same time, I discuss alternative systems and their suitability. The sixth chapter is focused on the analysis of the issue of access to medicines during the current pandemic in the European Union and developing and least-developed countries, as well as on proposals *de lege ferenda*. In the conclusion I summarized the acquired knowledge with emphasis on answering the questions that I set out in the introduction chapter of this rigorous thesis.